

MEMORANDUM

TO: Health Facilities Commission
and Interested Parties

FROM: Logan Grant, Executive Director 

RE: Rulemaking

DATE: August 8, 2023

P.C. 432 created the temporary healthcare staffing registry,¹ which will be administered by the Health Facilities Commission. PC 432 mandates that the Health Facilities Commission shall have temporary healthcare staffing registry rules in effect by September 1, 2023. This necessitates the adoption of Emergency Rules at the Commission's August meeting.

- These are not CON rules, but PC 432 requires the *Commission* to adopt rules. The regulatory program will fall under the Commission's Licensure & Regulation Division, not its CON Division. Most of the Commission's Licensure & Regulation Division rules are being adopted by the Board of Licensure for Health Care Facilities until the merger of the boards occurs on July 1, 2024.

Proposed rules are attached. Two votes are requested (after discussion, revision, and any public input):

1. authorization for Emergency Rulemaking; and
2. authorization to initiate Regular Rulemaking.

Emergency rules take effect immediately upon filing with the Secretary of State, and are effective for no more than 180 days. Therefore, the proposed regular rule changes will proceed on a parallel track, which may take up to the 180 days during which the emergency rules will be effective. The regular rulemaking process is as follows:

- Commission vote authorizing staff to initiate Rulemaking
- Notice of Rulemaking Hearing (precedes Rulemaking Hearing by at least 45 days)
- Rulemaking Hearing & receipt of public comments
- Agency vote authorizing staff to file Rulemaking Hearing Rules
- Attorney General review
- Rules become effective 90 days after filing with the Secretary of State

¹ The Tennessee Health Care Association brought the legislation.